TODD M. LEVENTHAL, ESQ
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, vs. SAMUEL DAVIS, SHAWN RICE Defendant.	CR-S-09-078-JCM(RJJ) **STIPULATION TO CONTINUE TIME FOR TRIAL AND MOTIONS** DEADLINES

IT IS HEREBY STIPULATED AND AGREED by and between Defendant, SAMUEL DAVIS, by and through his counsel, TODD M. .LEVENTHAL, ESQ., and the United States of America, by its counsel, GREGORY DAMM, Assistant U.S. Attorney, that the trial in the above-captioned matter be vacated and continued until calendar.

This Stipulation is entered into for the following reasons:

1. Mr. Davis has indicated his desire to proceed with Todd M. Leventhal, ESQ. as his counsel throughout the remainder of his case.

2. Mr. Leventhal needs additional time to review the boxes of discovery that has been provided.

3. Mr. Leventhal is set for trial on January 25th, 2011, in the matter of United States v. Vega Rubio case number 2:09-cr-00113-GMN. That trial is anticipated to last for one month based on the Government's estimation.

4. Counsel for the Government, Counsel for Mr. Davis and the Court have met and indicated that a March 28th, 2011 date works for scheduling purposes for trial.

5. Mr. Davis is not in custody and agrees with this continuance.

6. Mr Rice is in warrant status at this time.

7. Additionally, denial of this request for a continuance could result in a miscarriage of justice.

8. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161 (h)(8)(A), when considering the factors under Title 18, United States Code, Section3161(h)(8)(b)i and 3161 (h)(8)(b)(iv).

DATED this 14TH day of December, 2010.

________-s-_______________
TODD M. LEVENTHAL, ESQ.
Counsel for defendant

___________-s-_________________
GREGORY DAMM ESQ.
Assistant U.S. Attorney

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, vs. SAMUEL DAVIS, SHAWN RICE Defendant.	CR-S-09-078-JCM-(RJJ) **FINDINGS OF FACTS AND CONCLUSIONS OF LAW**

FINDINGS OF FACT

Based on the stipulation of counsel, and good cause appearing, the Court finds that:

1. Mr. Davis has indicated his desire to proceed with Todd M. Leventhal, ESQ. as his counsel throughout the remainder of his case.

2. Mr. Leventhal needs additional time to review the boxes of discovery that has been provided.

3. Mr. Leventhal is set for trial on January 25th, 2011, in the matter of United States v. Vega Rubio case number 2:09-cr-00113-GMN. That trial is anticipated to last for one month based on the Government's estimation.

4. Counsel for the Government, Counsel for Mr. Davis and the Court have met and indicated that a March 28th, 2011 date works for scheduling purposes for trial.

5. Mr. Davis is not in custody and agrees with this continuance.

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8. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161 (h)(8)(A), when considering the factors under Title 18, United States Code, Section3161(h)(8)(b)i and 3161 (h)(8)(b)(iv).

CONCLUSIONS OF LAW

Based on the fact that counsel for the defendant needs additional time within which to prepare the case for trial, defendant does not object to the continuance sought herein, denial of this request for continuance would deny the parties sufficient time to resolve the case and otherwise prepare for trial should negotiations bail. Additionally, denial of this request for a continuance could result in a miscarriage of justice.

1. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161 (h)(8)(A), when considering the factors under Title 18, United States Code, Section3161(h)(8)(b)i and 3161 (h)(8)(b)(iv).

ORDER

Accordingly, IT IS SO ORDERED that the current trial setting is vacated and the same is continued and reset for ______________, 200__, at the hour of 8:30 a.m., in courtroom #_______. (Stacked trial setting.)

IT IS FURTHER ORDERED that the Calender Call in this matter is reset for ___________, 200__, at the hour of _____________, in Courtroom #_________

Dated this ________ day of December, 2010.

____
UNITED STATES DISTRICT JUDGE